

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Meagher, Edward	Examiner:	Gloria R. Weeks
Serial No.:	10/556,125	Art Unit:	3721
Filed:	November 9, 2005	Conf. No:	4353
For:	<b>ANASTOMOTIC STAPLE WITH CAPILLARY WHICH EXPELS A BONDING AGENT UPON DEFORMATION</b>		

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 2213-1450

**AMENDMENT**

Sir:

In response to the Office Action mailed December 23, 2008, Applicant requests entry of this amendment and reconsideration and allowance of the above-referenced application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application.

**LISTING OF CLAIMS:**

1. (Currently amended) A surgical fastener for use with an anastomosis of two tissues, comprising:

a base leg and ~~an upright~~ a support leg, said base leg being selectively deformable and including at least one traumatic tip for ~~piecing~~ piercing tissue, said support leg having a base leg end, a prong end, and a convexity projecting inwardly between the base leg end and the prong end, wherein the base leg, the support leg, and the convexity are substantially coplanar; and

at least one capillary disposed on said base leg having a reservoir defined therein for retaining a liquid, each of said at least one capillary being rupturable upon deformation of said surgical fastener to dispense said liquid simultaneously upon being ruptured.

2. (Currently amended) A surgical fastener for use with a surgical instrument for performing an anastomosis between two tissues wherein the surgical instrument includes a selectively engageable loading unit for supporting an array of surgical fasteners and an actuator for initiating deformation of the surgical fasteners, each of the surgical fasteners comprising:

a base leg and ~~an upright~~ a support leg, said base leg being selectively deformable and including a tip for ~~piecing~~ piercing tissue, said support leg having a base leg end, a

prong end, and a convexity projecting inwardly between the base leg end and the prong end, wherein the base leg, the support leg, and the convexity are substantially coplanar;  
and

at least one capillary disposed on said base leg having a reservoir defined therein for retaining a liquid, each of said at least one capillary being rupturable to dispense said liquid upon actuation of the surgical instrument and deformation of each surgical fastener, each of said at least one capillary being rupturable to dispense said liquid simultaneously with the deformation of each surgical fastener.

3. (Original) A surgical fastener for use with an anastomosis according to any preceding claim wherein said liquid in said reservoir includes at least one of a bonding agent, medicinal agent and therapeutic agent.

4. (Original) A surgical fastener for use with an anastomosis according to any preceding claim wherein said reservoir includes a series of chambers, each of said chambers including a liquid disposed therein selected from the group consisting of: bonding agents, medicinal agents and therapeutic agents.

5. (Original) A surgical fastener for use with an anastomosis according to any preceding claim wherein said liquid is a bonding agent designed to adhere to tissue upon curing.

6. (Original) A surgical fastener for use with an anastomosis according to any preceding claim wherein said base leg of said surgical fastener includes first and second capillaries which are designed to sequentially rupture upon deformation.

7. (Original) A surgical fastener for use with an anastomosis according to any preceding claim wherein said first capillary includes a medicinal agent and said second capillary is designed to include a bonding agent.

8. (Original) A surgical fastener for use with an anastomosis according to any preceding claim wherein said surgical fastener includes at least two capillaries which are radially disposed along the base leg of said surgical fastener.